1:Vaillant A-5 (1928-1936)1941 NU7 Aztec NU7

who needed food, by the indolent who were too lazy to provide for their own support, by gamblers and by prostitutes who wanted finery. Parents often sold a child, to be replaced by a younger one when the first was old enough materially to contribute to the family welfare. Sometimes destitute people offered a bondsman in return for a loan from a more fortunate neighbor. If the bondsman died in service or the master took any property unlawfully the debt was discharged. To avoid this contingency the owner made the slave live at home and perform only personal services. Slavery, except in the case of war prisoners, was not too exacting. A slave could control his family, own property or even have slaves of his own. His children were always born free. What the slave lost was his eligibility for tribal office, which depended, as we have seen, on public service and was negated by his reliance on the bounty of others or his commission of antisocial acts.

An important aspect of the legal code of the Aztecs involved the loss of civil rights as a result of flagrant antisocial acts. In general, custom dictated and regulated human behavior. Membership in the community brought safety and subsistence. To break away or to be cast off meant death at the hands of foes or isolation as a solitary wanderer, a prey to marauding beasts. Competition for rank and renown existed in the field of public service rather than in the acquisition of wealth. Hence the antisocial behavior implicit in attaining many of our own higher grades or ranks was held to a minimum.*

Growth of the community to a size where none but the great were known to society at large probably tended to break down the sense of membership and participation, so

1:Vaillant A-5 (1928-1936)1941 NU7 Aztec NU7

tated against the social advantages of the gathering. To steal corn, the staple of life, when growing in the field, was a serious offense, demanding the death penalty or slavery, but a wayfarer might with impunity satisfy his hunger by plucking ears from rows adjacent to the road. To filch gold, silver and jade, precious substances reserved for religious ornaments, was also a mortal crime.

Murder, even of a slave, brought the death penalty. Rebels and traitors received the same fate, but kidnapers were sold into slavery. Drunkenness was a serious crime except at prescribed ceremonial occasions. Social disapproval, public disgrace, even death by stoning or beating, were penalties suffered by the intemperate. However, the old of both sexes, who had fulfilled their tribal obligations, were allowed great latitude in their potations.

The witch or practicer of black magic was sacrificed, and death was likewise the lot of him who impersonated a high official. A slanderer had his lips cut off and sometimes his ears as well. Brawling and fighting in the market place were dealt with severely, but in an ordinary case of assault the assailant paid for the cure of the assailed and for any damage done. Adultery was punished with great severity, even death, when committed outside the pale of the divorce laws. Hanging was the usual penalty for violation of the incest laws, and sodomy was punished with revolting brutality.

Thus reduced to cited instances, Aztec law was brutal. Actually, from childhood on, the individual grew up into correct social behavior; the violator of the code met with serious consequences. All people had some kind of personal property, but land belonged to the tribe and only its produce to the individual. Therefore, the elaborate legislation

an offering, was richly arrayed and adorned. He bore an eagle claw device upon his back, which was surrounded by quetzal feathers. His holder was of eagle down in which were quetzal feathers. His flint knife was of gold. He carried a rosette on his back, which was made of paper, etc.

A man [priest] carried the mist rattle board upon his shoulder; he rattled it in three places. And when they had come to the place where Xilonen was to die, then the fire priest came to receive her. Before her he set up the rattle board, and rattled it, and with incense went forth to receive her, and cast it toward her.

And then they took her up to the Temple of Cinteotl. First they laid her upon the back [of a priest] —not upon the offering stone, but rather she died upon [a priest's] back. And those who died upon [a priest's] back, they called "those who have backs."

Thereupon she met her fate and [the sacrificing priest] severed her head. When she had [thus] suffered, when he had slain her, then he grasped her heart and planted it in the blue vessel. They who were well experienced knew where they cast it, where they required it.

And then all ate, for the first time, *tortillas* of green maize. For the first time the cane of green corn was offered and for the first time chewed, and likewise amaranth greens were newly cooked and once more the sweetness of flowers—the *Carophyllus mexicanus* and tobacco flowers [—was smelled].

And at the Feast of the Great Lords, there was a dance which was the particular function of the women—old women, young women, mature women, little girls. The maidens, who had looked upon no man, were adorned with feathers and their faces were stained with paint.

Everyone made plain *tamales* and fruit *tamales* for themselves; they offered them as gifts to their gods.

And of the old men and the old women it was the exclusive privilege that they should drink wine. Never did a youth, a maiden, or a priest drink wine.

And if anyone was noted, great pains were taken that he be seized and put in jail, in the granary.[11] They all held council what might be done about it, and whether, perchance, they would punish him. [Evidence] was weighed; all discussed [his crime]. They determined whether [they would] show mercy; and if [they would] not show mercy, he was

muchichioa, quauhiztitl in quimama, quetzalli ynic moiaoatiuh, quãmoloctli, yn itecomaio ietiuh quetzalli cuztic teucujtlatl yn itecpaio ietiuh, ytlaquechpaniouh ietiuh, amatl in tlachiuhtli, etc. 736 X 793 [301] [287]

Ce tlacatl quiquechpanoa, in aiochicaoaztli, ezcan in cacalaca: auh yn oacito yn vncan miquiz xilonẽ, njman quioalnamjquj in tlenamacac, ixpan quioaltilquetza in chicaoaztli, quicacalatza: yoan yiauhtli ic quioalnamiquj, yuicpa quioalchaiaoa. [534]

Auh ie ic contlecauja in cinteupan, çatepan conteca in tecujtlapan, amo techcac, çan tecujtlapan in miquja: auh yn icujtlapan mjcoaia, motocaiotia tepotzoa: 796 X

njman ie ic tlacoti, quiquechtequj, yn otlacotic, yn ocontlatlatique, njman ie ic conanjlia yn iiollo, xoxoubquj xicalco quioallalia: iehoũ quimati in machiceque catca in campa quitlalia, in campa quinequja.

Yoan iquac iancujcan qualoia, in xilotlaxcalli: iancujcan tlamanalo, iancujcan moquaquaia in ooatl: yoan iancujcan mopaoaci in oauhqujlitl, yoan iancujcan ynecu in suchitl, in cempoalsuchitl, in jesuchitl. [262 264]

Auh yn iquac in vei tecujlhujtl netotiloia, çan inneixcaujl in cioo, yn jlamatque, yn ichpopochti, yn iniollóco cioa cioapipiltotonti: in ichpopochti yn aiacan quitta oquichtli, mopotonjaia, motzaoaia. [302]

Ixquich tlacatl motamaluja mozocotamalujaia: quintlatlamanjliaia, in intevoan. [868

Auh in ueuetque, yoan in jlamatque, çan inneixcaujl catca in tlaoanaia: çan njmã aiac tlaoanaia in telpuchtli, in tlamacazqui, yn ichpuchtli. 273]

Auh intla aca, oittoc, vel iujuj ic oanoc, quauhcalco tlalilo, petlacalco: ipan nenonotzalo in tlein ipan muchioaz, yn aço quitzacutiaz neetitilo, neixpãtitilo: quipantia intla ie ynemac: auh intlacamo ie ynemac, 798 X 273 689

11. See Plate 27.

X 796
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condemned to die. Not now might he leave; no longer was there help for him nor [now] a second judgment; no longer had he hope.

When whosoever [had been tried] had been condemned, all were summoned at sundown, assembled, and set apart, that the words [of the judge] might be published everywhere.

It was said: "On the morrow they will die. All of the common folk will be moved. Some of those who drank we shall leave alone, that, verily, they may fall into fear."

They came with wrists bound together. They placed them in the midst [of the market place]. Thereupon the judges spoke, warning all, speaking of wine, which no youth might drink. Only when they matured, when they had become old, [might they drink]. And those who had youths, who already had maidens [as grown children], verily their privilege it was that they might drink wine.

[681] And thereupon, when [the judge] had delivered his judgment, then Moctezuma's executioners, his slayers, struck the backs of [the criminals'] heads. [The executioners were] the Quauhnochtli, Ezuauacatl, Ticociauacatl, Tezcacoacatl, Maçatecatl, and

[644] Atenpanecatl.[12] These men were not noblemen, but only lesser officials,[13] who were under command, who were chosen and approved for their office [because of their] strength, vigor, and ingenuity, and because they spoke pleasingly.

And when [the drinkers] had been slain, then all who were reasonable were struck with terror and fright, so that they verily changed their ways. And those who were foolhardy and undisciplined, who could not be spoken to, the effeminate, the stupid—they only laughed; they only jested at the warning. They only listened to it lightly and ill. Not then did they note the words; not thus were they frightened of death.

And thereupon, when all had been slain, then all dispersed in disorder, raising a great dust, shaking out their cloaks—scattering, breaking up, dispersing, all going off to their homes. Then the place where they were became calm.

Here ended the celebration of the feast day called Uei tecuilhuitl.

tlatzontequjlilo, mjquiz, aocmo qujçaz, aoctle itzacujl, aocmo ichicomatl, aoctle ynetemachil.

In aq'n oixnaoutiloc, teutlacpa in tetlalujlo, in necenqujxtiloc, necentecoz, in çaço cãpa ie motenecoaz, in jtlatollo:

mjtoaia, muztla micoaz, izquich tlacatl oliniz in maçecalli cequjntin tiqujncaoa in tlaoãque, in ca mauiztli uetziz.

Mamailpitiuitze, tlanepantla qujntlalia: njman ie ic tlatoa, in tecutlatoque, tenonotza, itechpa tlatoa in vctli, in aiac quiz in telpuchtli: ça quinjquac in otlachicalujque, yn ouecuetique: yoan in telpuche, in ie ichpuche, vel innemac catca in tlaoanazque.

Auh in ie iuhquj yn ontzonquiz, in tecutlatolli: njman ic qujncuexcochujujxquj, yn itemicticaoan, in itequacaoan in moteçumatzin in quauhnochtli, iezoaoacatl, ticociaoacatl, tezcacoacatl, maçatecatl, atenpanecatl: in iehoantin yn, amo tetecuti, çan achcacauhti, tlanaoatilti, tlaixquetzalti, tlaqualitalti, iollotlapaltique, iollochicaoaque, yoan iolloque, in vellatoa.

Auh yn iquac ie mictilo, ic necujtiuecho, ic mocujtiuetzi in tlacaqujni, in uel monotzanj: auh in iollotlaneliloque, yn atlanonotzalti, yn auel monotza, in tlacioaizcaltilti, in tzonteme, çan qujuetzca, çan qujcamanaloa in tenonotzaliztli, çan qujcamanalcaquj, çan caujlcaquj, avmpa qujtta in tlatolli, amo ic mauhca çonequj, in temjctiliztli.

Auh in ie iuhquj, yn onmjcoac: njman ic tlatzomonj neacomanalo, teuhtli qujquetza, netzetzelolo, cecenmanoa, xitinoa, xixitonoa, moiaoa, viujloa, viuj yn jnchachã: njman cactiuetzi yn vncan onomaia.

Nican tlamj, njcan tzonqujça, inic ilhujtl muchioaia: yn jtoca Vey tecujlhujtl.

12. *Quauhnochli* is the term given the heart of the sacrificed victim. See *supra*, Chapter 21. The others may refer to the towns from which the officials came.

13. "*Y de estos nunca oyo ni alcançe los oyesen que rigian los pueblos, sino otros oficiales mas bajos de la república, que se llamaban tlatlacmaca y tlacochcalcs y schaschalcatin, porque yo tenia buena edad, por ser amancebado y casado dexo palabras livianas y cosas de burla, y hablaban con sobervia y cudiciosas*" (Kobuslo ed., Vol. I, p. 293).

And upon the next day, all drank wine; all began the drinking. The wine which was drunk was named blue wine. All the old men, the old women, the warriors of noble lineage, they who had wives, the men of marriageable age, and the nobility, and the leaders of nobility—they drank the wine.

And the young chiefs, who were already mature, drank wine, but they drank only in secret, not disclosing themselves; they hid themselves well in the dark; they retired behind bushes, lest they be seen

And if anyone discovered them, if it were known that verily they drank wine, that indeed all had gathered and congregated together—they beat them with pine staves; they bruised their bodies sorely, and shaved their heads like servants. They dragged them, kicking them; they hurled them to the ground; they cast stones at them. Verily, they afflicted them exceedingly. Sometimes, from this, death came.

And after they had taken their pleasure [with them], they cast them hence, they threw them out of the house. Thus fear came over [the people].

And in the home of him who had ceremonially bathed [the victims], there was song; there was beating of ground drums, rattling of gourd rattles, beating of turtle shells. Only as they were [seated] on the ground was there song; only upon the floor was the ground drum beaten. Gifts and favors were given all who worked and served the guests—those who cared for the tobacco, who saw to the tobacco; and those who cared for the chocolate, who saw to the chocolate; or who saw to the water; and those who offered food—the hosts. And the honored women, who were among the [cooking] vessels—who cared for the *tamales*, or the meat; those who set forth the meat, who stood over the meat; and those who stood by the wine—the wine makers. And all the neighbors—all of them—were offered gifts.

And the third day [of Atemoztli] was called "The Mock-fight of the Chonchayotl." One [man was arrayed to] resemble, and was the likeness of, the Chonchayotl. His hair was wild and disordered, bloody and frightful.[19] And when they arrayed the Chonchayotl, then they separated [into bands]. Apart were the priests, who went, and stood, with the Chonchayotl. And [also] apart lay the young warriors.

Then, at midday, they began skirmishing, in mock battle. They struck one another with fir branches, and canes, and tough, thin reeds bound firmly, tightly,

tlatlaoano, haapeoalo: in vctli mja itoca matlalvctli, ixqujch tlacatl in vevetque, in jlamatque: yoā in tlapaltequjoaque, in ie ciooaque, in otlapaliuhcatque, yoā in tetecutin, yoan in tlapaliuhcaiacā, in quja vctli.

Auh in telpuchtlatoque, in ie chicaoaque, quja in vctli: iece çan qujchtacayia, amo mjxmanaia, vellaiovalli qujmotoctiaia, vel moxiuhtlapachoaia, injc amo ittozque.

Auh intla aca qujnnexxotlaz, intla machilioque, in ca otlaoanque: in ca necentlaliloia, in ca nenonotzaloia: qujnvivitequj, ocoquauhtica vel qujnnacatepoçaoa, yoā qujnquatexoloxima, qujnquatetequj, qujnvivilana, qujntlilocatinemj tlaltitech qujntzotzona, qujntetentimaiavi, vel qujmellelaxitia: nemamaco injc mjctiloia.

Auh in oimellel onqujz, njmā in ca oalmaiavi, qujnoalchiccanaoa qujiaoac, ic maviztli vetzia.

Auh in inchan tealtique, cujco, vevetzotzonalo, aiacacholo, aiochioalo: çan tlalpan cujco, çan tlalpan vevetl in motzotzona: tetlauhtilo, qujntlauhtia yn ixqujchtin otlatequjpanoque in techixquj, in qujmocujtlauja, yietl, yn iiepā ca, yoan in qujmocujtlauja cacaoatl, in cacaoapan ca, anoço apan ca, yoan in techia, in techixquj: yoan in cioatzitzinti, in contitlan nemj, in tamalpan ca, in nacapan ca, in nacatlaflali, in nacatl ipā icac: yoan in vcli ipan icac, yn vctlali: yoan in ixquich tlaxilacaleque, ixquich tlacatl motlauhtia.

Auh injc eilhujtl moteneoa chonchaiocacalioa, ce moquetzaia, ce qujxiptlaiotiaia in chonchaiotl: quacatapatic, quapaçoltic, ieço temamauhti: auh yn oquicencauhque chōchaiotl, mec mozeloa, nonqua manj, in tlamacazque inoan eoa inoan icac in chonchaiotl: auh nonqua momana in telpupuchti:

mec peoa nepantla tonatiuh, in moiaiaotla, micali, ynjc moujujtequj, acxoiamaitl, ichoutl yn oiametl, yoan acapitzactli, yoan otlapitzactli, qujcujcujtlal-

19. See Pl. 31.

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Sixth Chapter, in which are related the punishments and penances with which they chastised any youth when he drank wine.

They who were reared in the young men's house took full charge of the sweeping. None then drank wine.

And when already [they were] men, when already they had matured, he who drank wine hid himself well. He concealed himself well, and did not then drink before others; quite secretly and not much did he drink.

And if any youth were seen to drink wine, if it were noted that he was found with wine, [that] perchance he lay fallen, or sang,[1] or [that] somewhere he was seen drunk with others, then because of this [the people] were gathered and rounded up.

And because of this, fear fell [upon all of them]. If he was only a commoner or someone of no importance, he was beaten before the others. He fell under wooden [staves]; he died under wooden [staves].[2] Or he was made to suffer the rope.

And if he was a nobleman's son, they strangled him secretly.

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And these youths had their paramours by twos or threes. Perchance one indeed was in her own house; perchance a number lived in various places. And when, they said, the estate of youth was ended, [the youth] paid something that he might leave the [other] youths. Large capes he left [for them]—perhaps ten or twenty, if he was rich.

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[582]

When the masters of the youths had consented,[3] when they had given the youths leave to go, then (it is said) one was of marriageable age. He took only one woman, whom he kept at his house.

And when a youth was mature, not merely of his own will did he depart the estate of youth. He grew old where the youths were. And if he willed, the chief gave him leave [to go].

And not very often from the youths' place [came], perchance, lords; only chiefs, commanding generals, and generals[4] were taken thence. Lords and mar-

Iiiic. 6. capitvlo: vncan motenecoa in tetlaxcauiltilizztli, in tetlamacoaltilizztli, ynic quiatlaxcauiltitia, in iquac aca telpvchtli tlaoanaia.

Inic nexcaltiloia telpvchcali, cēca necuitlavilo, in nochpanoaztli, njman aiac quja in vctli.

auh in ie vel oquichti, ī ie chicaoaque, cenca vel motlatiaia in quja vctli, cenca motlatiaia, çan nj nan amo teispan in quja, vel ichtaca amo no quexq'ch in quja,

auh intla ytoia haca telpuchtli tlaoana, in ito in ar vctlica mitoa, anoço vetztoc anoço quica, anoço cana teoan tlaoantica ito, njman ica necentlalilo, ica nenechicolo:

auh ica mavizzti vetzi, intla çan macoalli, anoço çā can aquin, teixpan viviteco, quauhtica vetzi, quauhtica miqui, anoço mecatl quiiecaltia.

auh intla tlaçopilli ichtaca quimecanja:

auh inique y, telpupuchti ohome, iccy in jnnecaoan oncatca, aço ce vel ichā in ca, aço quexquixtinchaioatoque. auh inīquac quilhuja motelpuchtlali, tlaxtlaoa inic quiatlalcavia in telpupuchti quachtli, quicaoa aço matlactli, aço cempilli in mocuihoaoa,

yn oanque in tachcauan in oquimacauhque njmā (mitoa) tlapaliuhcati, ça çe cihoatl conana in ichan quipia.

auh in moucalia telpuchtli, amo çan moiocoia, in quicaoa telpuchiotl, cenca ṽcā veveti in telpuchpan; auh yiollotiama in tlatoanj, quinacotia,

auh amo cenca nicepa in telpuchpan anoço in tecuī, çā tlatlacatecca, tlatlacochcalca, achcacauhti yn

1. *Quinc*: probably *cuica* is meant. Sahag, in *Biblio Mexicā*, p. 345, translates the Nahuatl as *con gaytas*—"one filled with flute."
2. Sahag, *op. cit.*, p. 346, n. 1, says of *quemlotia ocmā quemlotia mitoa*: "Pareciō *con quemlotia ocmā, quēlotia mitoa*—*labrador, ó marinero*."
3. *Cotejar*: reference to the *Real Palacio MS* suggests that this should read *mitoque*.
4. See Chapter V, nn. 3, 4.

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[687]
[625]

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[526]

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534]
[735]

[482]

—*After Peso y Troncoso*

86. Punishment of an erring official (Chapter 17). 87. Punishment of a careless musician (Chapter 17). 88-90. Keeping watch in the city against enemies (Chapter 17). 91. The game *tlachtli* (Chapter 17). 92. Gifts of the ruler to the poor (Chapter 17).

[p. 36(M)]

1/11 [This caption is an error. - Analyst]

[p. 36(L) is blank]

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684 And if the ruler learned that a fire priest or [another] priest lived in concubinage, and had looked upon a woman, he then pronounced judgment upon him and proceeded to visit punishment upon him. He was despoiled of his goods; they were secreted in his house, [so that] nothing[1] was to be seen [of them]. Likewise judgment was pronounced upon a fire priest or [other] priest if he was drunk.

Auh yn tlatoani ynīla quimachiliz, tlenamacac, tlamacazqui onomecati, oquitac çiuatl, niman quitlatzontequilia, quitzacuhtiuh, namoclo, tlatataco yn icha, atl neneçi. ça no yuh tlatzontequililoya ynīla otlauan tlenamacac, tlamacazqui.

1. *Abt: probably ode is meant.*

16:Bandelier E-4 (no date)1880 NU7 Aztec NU7

shapen, if she did not join a husband at the proper age, was also regarded as a reprobate.[81] 542 589

To these two kinds of outcasts others should be added. It is a known fact that, if any member of a calpulli failed to cultivate his garden lot for two years, or if he failed to have it cultivated under his name, then he lost every and all rights thereto. This implied expulsion from the calpulli, consequently again, *expulsion from the bond of kinship*. Any one who removed from the quarter or calpulli to which he belonged, lost his rights thereby; in other words he became an outcast.[82] 689

The lot of such people, thrust, as they were, outside of the pale of regular society, was an unenviable one. Removal to foreign tribes was not only dangerous, but even impracticable in the earlier times, when the class came into existence. Still they had to *live*. Therefore the males bargained their services to such members of the kins, as could afford to nourish them in return for manual labor.[83] No other remuneration but subsistence could be thought of. For the sake of subsistence therefore the outcast became, what the majority of authorities have called a *slave*. 565 567

Fray Juan de Torquemada writes as follows; — "The manner, in which these Indians made slaves, was very different from that of the nations of Europe and other parts of the world. It was very difficult at the outset of their conversion to understand it properly, but to make it clear (especially as the customs of Mexico, and Tetzcuco had it, since other Provinces not subject to these king-

[81] *Anonymous Conqueror* (Vol. I, Col. de Doc., p. 397): "& gente che stima meno le donne di quanti natioi sono al mondo, perchi non gli comunicherebbe mai i fatti loro, anchora che conoscesse che il furio gli potesse melter conto." *Oviedo* (Lib. XXXIII, cap. LI, p. 336). See *Torquemada* (Lib. XII, cap. III, p. 366), on "mancebas" in general in regard to women who refused to marry, though living a dissolute life. Also *Sahagun* (Lib. X, cap. XV, p. 57); *Zurita* (p. 129). If a girl abandoned her house, she might finally be disposed of as a slave, or be abandoned ("on les abandonnait").

[82] *Zurita* (p. 86): "Le propriétaire qui ne cultivait pas pendant deux années, par sa faute ou par négligence, sans juste cause, ... était averti de les cultiver; et s'il ne le faisait pas, l'année d'ensuite on les donnait à un autre." (Id. p. 54): "Si, par hazard, le membre d'un calpulli le quittait pour aller demeurer dans un autre, on lui retirait les terres qui lui avaient été assignées. . . . . Adopted also by *Herrera* (Dec. III, lib. IV, cap. XV, p. 123). Compare "*Tenure of Lands*" (p. 426).

[83] *Gomara* ("*Conquista*," Vedia I, p. 441): "Los hombres necesitados y haraganes se vendian. . . ." *Cortés* ("*Carta Segunda*," Vedia I, p. 34): "Hay en todos los mercados y lugares públicos de la dicha ciudad, todos los dias, muchas personas trabajadores y maestros de todos oficios, esperando quien los alquile por sus jornales." *Torquemada* (Lib. XIV, cap. XVI, pp. 584 and 585; and Cap. XVII, pp. 585 and 586). *Clavigero* (Lib. VII, cap. XVIII, p. 429).

16:Bandelier E-4 (no date) 1880 NU7 Aztec NU7

was disabled or until he voluntarily withdrew.[122] Slanderers, however, were punished by the kin, having their lips cut off or publicly sliced.[123] Homicide, and murder, were invariably punished by death.[124]

Intemperance in public was free to people more than seventy years old, while if grown men below that age appeared in a drunken state (festivities excepted), their heads were shorn clean in punishment. But whenever the delinquent was a chief he was publicly degraded; and any officer was forthwith removed and relieved of his duties.[125] Women who attempted to act as

[122] *Gomara* (Vedia I, p. 440): "no traen armas sino en la guerra, y allí averiguan sus pendencias por desafios." *Bartolomé de las Casas* ("*Historia apologética de Indias*," cap 213 and 214. Vol. VIII of Lord Kingsborough, note XLV, p. 134). Bystanders interfered, separating the parties, if they came to blows. *Motolinia* (Trat. I, cap. II, p. 23), says that such strife and quarrels only occurred when they were drunk: "Y fuera de estar beodos son tan pacificos, que cuando riñen mucho se empujan uno á otro, y apenas nunca dan voces, si no es las mugeres que algunos veces riñendo dan gritos." (Cap. XIV, p. 76): "Sin rencillos ni enemistades pasan su vida." *Torquemada* (Lib. XII, cap. XV, pp. 338 and 339). *Herrera* (Dec. III, Lib. IV, cap. XVI, p. 136).

[123] *Zurita* ("Rapport," etc., pp. 129 and 130) speaks only of children, punished by splitting the lips for lying. This is copied by *Herrera* (Dec. III, Lib. IV, cap. XVI. p. 136) and *Torquemada* (Lib. XIII, cap. XXX, p. 478). *Velascurt* (Part II, Trat. III, p. 462), however, declares this punishment to have been meted out to adults, adding: "to-day there would be many without lips, so much do they lie." *Gomara* ("*Conquista*," p. 438, Vedia I) speaks of this punishment as having been instituted by Quetzalcohuatl, and for adults as well as for children. This, attributing it to Quetzalcohuatl, is an evident error. Compare *Sahagun*, (Lib. III, cap. III, p. 244). *Clavigero* (Lib. VII, cap. XVII, p. 469) is positive about adults. *Bustamante* ("*Texcoco*," p. 195) says that slanderers were killed.

[124] *Las Casas* ("*Historia Apologética*." cap. 213, Kingsb: Vol. VIII, p. 123): Destos era el que mataba á otro, el cual moria por ello." *Gomara* (Vedia I, p. 442): "Matan al matador sin excepcion ninguna." *Mendieta* (Lib. II, cap. XXIX. p. 136): 'Sentenciaban á muerte á los que cometian enormes y graves delitos, asi como á los homicidos. El que mataba á otro, moria por ello." *Torquemada* (Lib. XII, cap. VIII, p. 327), almost copies the preceding. Nearly all the authors agree on this point, except, according to *Mr. Bancroft* ("*Native Races*," Vol II, p. 459. note 59), Durán, who is said to assert: "that the murderer did not suffer death, but became the slave for life of the wife or relatives of the deceased." In this Durán agrees with the "*Codice Ramirez*." *Velascurt* ("*Teatro*," Vol. I, p. 485) says that even for murder committed in a drunken state, the culprit was killed (hung). *Clavigero* (Lib. VII, cap. XVII, p. 484) briefly states that all homicide was punished with death. As to the manner of execution, it is variously stated. It would be unsafe to attempt going into details.

[125] It is well known that there was an idol for the drunkards. *Sahagun* (Lib. I, cap. XXII. p. 40) even gives the names of thirteen "dioses del vino." According to *Gregorio Garcia* ("*Origen de los Indios*," etc. Lib. III. cap. II, §VI, p. 92, who mentions as authority *Fray Estevan de Salazar*, "*Historia, ó Relacion de la Teologia de los Indios Mexicanos*" lost in a shipwreck, 1564), they had three hundred gods of the drunkards "que de solos los borrachos tienen 300 Dioses." See also *Torquemada* (Lib. VI, cap. XXIX, p. 38) and others. The punishments are given by me after *Mendieta* (Lib. II, cap. XXX, pp. 139 and 140). Copied textually by *Torquemada* (Lib. XIV, cap. X. p. 550). Besides these, *Zurita* (pp. 110–112) asserts the same, even more explicitly, and he is followed by *Herrera* (Dec. III, lib, IV, cap. XVI, p. 136). *Velascurt* (Vol. I, p. 485). *Clavigero* (Lib.

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procuresses were severely punished, though not with loss of life.[126]

While clandestine relations between young men and girls were known to exist and, if not sanctioned, still were not punished,[127] it was different if a married man attempted to seduce a maiden who was not an outcast. The seducer was invariably punished.[128] Intercourse between unmarried people was tolerated, as a preliminary to marriage and the consequent increase of kinship, but if a husband, in contravention of the obligation "not to marry in the kin," endeavored to satisfy his lusts upon one of that kin's wards, as the daughters of members all were, then he committed

VII, cap. XVII, p. 486), all affirm, besides, that young people, while yet in care of the "houses of training," if intoxicated, were killed. This is also confirmed by *Sahagun* (Lib. III, appendix, cap. VI, pp. 270 and 271). Except by *Motolinia* (Trat. I, cap. II, pp. 22 and 23), it is generally conceded that drunkenness was well controlled in aboriginal Mexico.

[126] Although prostitution was tolerated, still, houses of ill-fame did not exist. *Torquemada* (Lib. XII, cap. II, p. 376): "Esto parece, porque permitieron, que huviese Mugeres, que se daban à los que querian, y se andaba á esta vida suelta, y gananciosa, como las de nuestra España, y otros Reinos; puesto que no tenian casa señalada, ni publica para la execucion de su mal oficio, sino que cada qual moraba donde le parecia, y el acto deshonesto, en que se ocupaba, servia de lugar publico, y en el mismo vicio se hacia publica y se manifestaba." *Velascurt* (Vol. I, p. 480): "Permitian los mexicanos, mujeres que ganasen con sus cuerpos, aunque no tenian lugares señalados." It is, therefore, not quite clear what may be meant by the term "alcahueta." In the sense of the French word "entremetteuse," alone, they were amenable to punishment, since it was the duty of the man to hunt his "female," although he sometimes employed women called "cihuatlanqui" for that purpose. I suppose that such women were punished, not for the *immorality* of their conduct, but for their *unauthorized forwardness* in addressing themselves to men, and thus trespassing upon the dignity of that superior being. In regard to authorities on the mode of punishment, I but refer to those quoted by *Mr. H. H. Bancroft* (Vol. II, p. 469, note 101).

[127] I have already shown that young people held intimate relations with each other before the formalities of marriage were arranged. Thus, while he was yet at the "Telpuchcalli," the youth had his female friend, "amiga" or "manceba," outside. This is positively stated by *Sahagun* (Lib. III, appendix, cap. VI, p. 271): "y estos mancebos tenian sus amigas cada uno dos ó tres, la una tenian en su casa, y las otras estaban en las de sus familias." and *Torquemada* (Lib. XII, cap. III, p. 376). That these female "friends" were regarded with more than a feeling of platonic love, is dryly expressed by *Sahagun* (Id: cap. V, p. 270): "y los que eran amancebados ibanse á dormir con sus amigas." It is also asserted by *Torquemada* (see above): "que despues que aquel mancebo havia un Hijo, en la dicha manceba, luego le era forçoso, ó dejarla, ó recibirla por muger legitima." *Velascurt* (Vol. I, p. 480): "los mancebos antes de casarse tenian sus mancebas, y solian pedirlas á las madres." This almost establishes promiscuity among the ancient Mexicans, as a preliminary to formal marriage.

[128] *Clavigero* (Lib. VII, cap. XVII, p. 485) says that the punishment was not like that of the adulterer, "because the husband was not required to the same amount of conjugal fidelity as the wife." With "slaves" concubinage was permitted, and the result of childbirth was freedom to the child. Death was invariably the punishment of those who held, or attempted to hold, intercourse with girls in care of the house of worship. *Zurita* (p. 106, etc.). *Mendieta* (Lib. II, cap. XXIX, p. 130): "El que hazia fuerza à virgen, ora fuese en el campo, ora en casa del padre moria por ello."

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684 a crime which the calpulli was bound to punish in the most exemplary manner.

689 562 While we are not at all surprised at such severity in the cases above stated, it cannot fail to astonish us, that such apparently harmless acts as those of a *man wearing female dress* and of a *woman appearing in male attire* were visited upon the offenders with death.[129] Still, the ancient Mexicans could assign from their peculiar point of departure good cause for such cruel punishments. The position of woman was so inferior, they were regarded as so far beneath the male, that the most degrading epithet that could be applied to any Mexican, aside from calling him a dog, was that of "woman." It was more injurious than coward. Now, for a man to assume the garb of such an inferior being became almost equivalent to a crime against nature. It was an act of wilful degradation which was a deadly insult to his own kin. On the other hand, if a woman presumed to don the dress of her lord and master, it again was a crime of an equally heinous nature. In both cases the dignity of the whole consanguine group became deeply affected, and death alone could satisfy its honor. After this, it is needless to say how the actual crimes against nature were regarded and punished.[130]

687 It was also a capital crime for any man, to assume the dress or ornaments peculiar to an office, without being himself that office's lawful incumbent. Besides being a grave insult to the rightful officer, it was a dangerous offence towards the kin, especially in case of war, when it amounted to actual treason.[131]

684 Since it was the kin's duty to protect, not only the persons, but also the property of its members, it follows that adultery committed with a married woman entailed deadly punishment upon the male, whether he was married or not. His crime was that of stealing the most precious chattel of one member of the calpulli.

[129] This is so generally mentioned by all authors, that special references are superfluous.

[684] [130] All authors insist that incest was punished with death. *Torquemada* (Lib. XII, cap. IV, p. 380): "Todos los que cometian incesto en el primer grado de consanguinidad, tenian pena de muerte, si no eran cuñados, y cuñadas." *Mendieta* (Lib. II, cap. XXIX, p. 137). *Vetancurt* (Vol. I, p. 481). All these authors appear to have gathered their information from the same source, or rather Torquemada is frequently Mendieta's plagiary, while Vetancurt often copies Torquemada. To avoid superfluous quotation, I beg to refer, on the subject of "unnatural crimes," to *Bancroft* (Vol. II, pp. 466, 467 and 468, "*Native Races*").

[131] *Mendieta* (Lib. II, cap. XXVII, p. 132), copied by *Torquemada* (Lib. XIV, cap. III, p. 540), *Duran* (Cap. XXVI, pp. 214, 215 and 216), and others.